THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.10065 of 2006

Between:

Sri Raghavendra Nagar Welfare Society.

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PETITIONER

and

The Sub-Inspector of Police and others.

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RESPONDENTS

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ORDER:

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It is the case of the petitioner society that it has

nearly 100 members having 141 plots in Sy.Nos.194, 195 and 196 situated at Dayara village, Keesara Mandal, Ranga Reddy District. The total extent of the land, which was converted into house plots, is 33,381.22 sq. yards. The members of the society initially purchased their respective plots under registered sale deeds from their landlords.

It is further stated that the 3rd respondent, who is the owner of an extent of Ac.5-00 of land in Sy.No.195, having sold the property to the members of the society, filed a suit O.S.No.60 of 2002 on the file of Junior Civil Judge, Medchal, for grant of injunction in respect of said Ac.5-00 of land. The 2nd respondent, who is claiming to have authority from the 3rd respondent and other similarly situated original vendors of the land, is trying to interfere with the possession of the plots of the members of the petitioner society. At that juncture, the petitioner society preferred an appeal under Section 5(5) of A.P.Rights in Land and Pattadar Pass Books Act, 1971, before the Revenue Divisional Officer, Hyderabad. The Revenue Divisional Officer, on an application filed by the petitioner society, granted an order of injunction restraining respondents 2 and 3 herein and others not to interfere with the possession of the plots of the members of the petitioner society on 07-01-2004. It is stated that inspite of the said order, when respondents 2 and 3 interfered with the said plots, the petitioner society gave a report on 14-05-2006 to the 1st respondent, who has acknowledged the same on 15-05-2006. But till now, no police protection has been given. Aggrieved by the same, this writ petition has been filed.

A counter has been filed stating that pursuant to the said report, dated 14-05-2006, the 1st respondent had registered a case in Cr.No.140 of 2006 under Sections 447 and 427 read with 34 IPC on 28-05-2006 and the investigation is pending. It is stated that since 15-05-2006, respondents 2 and 3 are not at all entered into the land of the petitioner society. During the course of investigation, four witnesses were examined and the investigation is still pending, since several persons are claiming the land in question of the petitioner society. It is stated that necessary protection will be given to the petitioner society as and when required.

In view of the aforesaid facts and circumstances of the case, I am of the opinion that no orders need be passed in the writ petition. However, the 1st respondent is directed to give police aid to implement the order passed by the Revenue Divisional Officer in proceedings No.A2/3705/2003, dated 07-01-2004, if the said order is still subsisting.

With the above observation, the writ petition is dismissed. There shall be no order as to costs.

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02-02-2007

Prv